

IN THE UNITED STATES DISTRICT COURT
IN AND FOR DISTRICT OF DELAWARE

WILLIE DAVIS, JR.,
NATHANIEL BRIDDELL,
GEORGE W. FEDDIMAN,
JOSEPH GARRISON,
LARRY E. GIBBS,
ROY H. WALTERS,

ALL SIMILARLY SITUATED CURRENT
AND FORMER EMPLOYEES OF
MOUNTAIRE FARMS, INC.,
MOUNTAIRE FARMS OF DELMARVA,
INC., and MOUNTAIRE FARMS OF
DELAWARE, INC.,

Plaintiffs,

-vs-

C.A. No. 04-0414

MOUNTAIRE FARMS, INC.,
MOUNTAIRE FARMS OF
DELMARVA, INC., and
MOUNTAIRE FARMS OF
DELAWARE, INC., all Delaware
corporations,

Defendants.

Deposition of PHILLIP OWEN, taken before
Pamela C. Washington, Registered Professional Reporter
and Notary Public, at the law offices of Young,
Conaway, Stargatt & Taylor, 110 West Pine Street,
Georgetown, DE, on February 1, 2005, beginning at 1:00
p.m.

APPEARANCES:

On behalf of the Plaintiffs:

Margolis Edelstein

BY: JEFFREY K. MARTIN, ESQ.

and KERI L. WILLIAMS, ESQ.

1509 Gilpin Avenue

Wilmington, Delaware 19806

On behalf of the Defendants:

Shawe & Rosenthal

BY: ARTHUR M. BREWER, ESQ.

20 South Charles Street

Baltimore, Maryland 21201

Owen - Martin

1 Q So when let's say a catcher files a
2 grievance, to whom does he give that grievance?

3 A Well, it would go to the crew leader.

4 Q Are you sure?

5 A The catcher works with the shop steward
6 to write up the grievance, the grievance is presented
7 to the crew leader.

8 Q Are you sure it's the shop leader --
9 not the shop leader --

10 A Shop steward.

11 Q -- the shop steward does not get the
12 grievance?

13 A The shop steward is the one that
14 initiates the formal grievance. Informally, he
15 receives the grievance, but the formal construction of
16 the grievance is done by the shop steward and
17 presented to the crew leader.

18 Q How often are grievances filed, to the
19 best of your knowledge?

20 A We might get two or three a year; it's
21 a rare occurrence because problems are handled
22 internally informally.

23 Q Okay. What is your understanding, if
24 any, as to why Mountaire converted the crew leaders to
25 salary in June or July of 2002?

Owen - Martin

Q And he was the HR director?

A Correct.

Q Is he still with the company?

A He's no longer with the company.

Q And do you know when he was HR director?

A I can't be certain. I know approximately when he transitioned out of the position.

Q When was that?

A I would say in December of -- or November of '03. And I heard that he was with the company about five years prior to that time; could have been longer, I'm not sure.

Q Did you have the advantage of looking at some of his notes with regard to some of the issues that had occurred?

A Yes.

Q Were you aware of any issues before February of 2004 as to the crew leader's request for overtime?

A No, I was not.

Q Given what you just told me, that the company believes that the crew leaders were nonexempt before June of 2002 or whenever they became salaried,

Owen
Ex #1
Paw all